

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-22322-CV-WILLIAMS

BETTY'S BEST, INC.,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

ORDER

THIS MATTER is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation (DE 147) ("**Report**") on the Motion for Preliminary Injunction (DE 17) ("**Motion**") filed by Plaintiff Betty's Best, Inc. ("**Plaintiff**" or "**Betty's Best**"). In the Report, Judge Reid recommends that the Court extend the Temporary Restraining Order (DE 24) through November 17, 2023,¹ against Defendants listed in Plaintiff's Schedule "A" (DE 84-1) as Defendants numbered 702, 704, 713 to 715, 720, 728, 735, 743, 754, 763, 765, 767, 769, 772, 773, 775, 778, 780, 781, 785, 786, 798, 800, 803, 817 to 819, 821, 822, 825, 831, 832, 839, 840, 847, 858, 870, 871, 877 to 880, 883, 888, 891, 904, 906, 907, 909 to 919, 922 to 924, and 927 (collectively, "**Certain Defendants**"). (DE 147

¹ In accordance with Federal Rule of Civil Procedure 65(b)(2), the Parties mutually agreed to extend the Temporary Restraining Order (DE 24) by thirty (30) days at the October 18, 2023 hearing before Judge Reid. See Fed. R. Civ. P. 65(b)(2) ("The [temporary restraining order] expired at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension."). Prior to the expiration of the Temporary Restraining Order, the Parties will resume their hearing on Plaintiff's Motion for Preliminary Injunction on November 13, 2023 at 9:30 am.

at 1–2.) Further, the Report recommends that Plaintiff post a bond in the amount of \$500,000.00 and Certain Defendants’ assets be restrained in the amount of \$2,000,000.00. (DE 147 at 8.) Plaintiff filed Objections to the Report (DE 150) and Certain Defendants also filed Objections to the Report (DE 151). The Court conducted a *de novo* review of the portions of the Report to which Plaintiff and Certain Defendants objected and a review of the remainder of the Report for clear error.

Having carefully reviewed the Report, the Objections, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

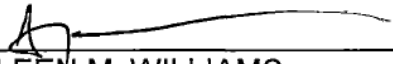
1. Judge Reid’s Report (DE 147) is **AFFIRMED AND ADOPTED**;
2. The Temporary Restraining Order (DE 24) is **EXTENDED**, and shall remain in effect until **November 17, 2023** as to Certain Defendants **only**;
3. A hearing is **SET** before Judge Reid and Plaintiff’s request for preliminary injunction is **REFERRED** to Judge Reid for report and recommendation. The hearing is set before Judge Reid in the C. Clyde Atkins United States Courthouse, located at 301 North Miami Avenue, Third Floor, Miami, Florida 33128 on **November 13, 2023 at 9:30 a.m. EST**, at which time Certain Defendants or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on Plaintiff’s requested preliminary injunction on Certain Defendants;
4. Plaintiff and Certain Defendants are required to comply with all recommendations set forth in the Report, including but not limited to:

- A. Plaintiff shall post a bond in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000.00), as payment of damages to which Certain Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Order of the Court. In the Court's discretion, the bond may be subject to increase should an application be made in the interest of justice. The Court also reserves the right to reconsider whether a bond in the amount of \$500,000.00 is sufficient for Certain Defendants. **Failure to post the \$500,000.00 bond before November 9, 2023 at 4:00 pm (EST) shall result in the Court entering an order vacating the entry of the temporary restraining order and denying Plaintiff's request for a preliminary injunction.** See, e.g., Order Granting in Part *Ex Parte* Application for Entry of Temporary Restraining Order, *David Yurman Enterprises LLC v. Individuals, Bus. Entities & Unincorporated Associations Identified on Schedule "A"*, No. 22-61967-CV (S.D. Fla. Oct. 26, 2022), ECF No. 11;
- B. A retention of Certain Defendants' assets in the total amount of \$2,000,000.00 shall be restrained and deposited into the attorney trust account of DGW Kramer LLP and held there during the pendency of this matter. Once the funds have been received and

settled into the DGW Kramer LLP trust account, Certain Defendants' PayPal accounts shall be released from any ongoing restraint;²

5. **Defendants are on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d), Fed. R. Civ. P. 65, The All Writs Act, 28 U.S.C. § 1651(a), and this Court's inherent authority.**

DONE AND ORDERED in Chambers in Miami, Florida on this 6th day of November, 2023.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

² In accordance with Judge Reid's Report, the Parties conferred and agreed to deposit any funds restrained by this Court's Order in the DGW Kramer LLP trust account. (DE 164 at 2.)